

BEFORE THE FEDERAL ELECTION COMMISSION 2004 DEC 16 P 3:40

Heather Wilson for Congress,	)	
David A. Archuleta as treasurer	)	MUR 5590
	)	
	)	

**RESPONDENTS' INITIAL RESPONSE TO COMPLAINT IN MUR 5590**

By and through the undersigned counsel, Heather Wilson for Congress and David A. Archuleta as treasurer ("Respondents") hereby respond to the complaint in the above-captioned MUR. The complaint alleges that Respondents accepted a corporate contribution concerning some computer-related expenses. But Respondents did in fact pay for the expenses, and their \$380 payment has already been reported to the Commission. *See* Exhibit 1 (Wilson FEC report). Respondents respectfully request that the complaint be dismissed, and that no action be taken in this matter.

**I. BACKGROUND**

Heather Wilson currently represents the First District of New Mexico, one of the most competitive congressional districts in the country. In 1992, Bill Clinton received 45% of the vote to President Bush's 38%; in 1996, Clinton received 48% to Bob Dole's 43%; and in 2000, Al Gore received 48% to George W. Bush's 47%.

Representative Wilson was first elected to Congress in a contested special election in 1998 with 45% of the vote, and reelected that same year in the regularly-scheduled general election with 48% of the vote, against a Democrat who at the time was the second-highest spender in the history of House campaigns. She fared slightly better in 2000 and 2002, have received 50% and 55% of the vote, respectively. New Mexico's

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First District has consistently been ranked by both Charlie Cook and Stuart Rothenberg as a toss-up seat, and Democrats and their allies have spent millions in an effort to unseat Wilson.

Due to the competitive nature of the district, and that Wilson is a top target of the Democrats year in and year out, she has been bombarded with a cacophony of specious legal accusations. The current complaint is just the latest in a long line of frivolous legal filings against Wilson's campaign. Filed the Friday before the November general election, the complaint is an obvious ploy to gather headlines over the closing weekend of a campaign. The complaint was filed by Americans for Medical Marijuana, a left of center politically active group that opposed Wilson's reelection. In fact, according to its own website, the Marijuana group's "largest action this fall focused on New Mexico's 1<sup>st</sup> congressional district . . . ." The website continues:

AMM supporters distributed tens of thousands of pieces of literature critical of Wilson, placed anti-Wilson signs throughout the district, and made thousands of calls to registered voters. Unfortunately, it was not quite enough to ensure her defeat.

Exhibit 2 (Americans for Medical Marijuana website).

## **II. ANALYSIS**

Given the obvious bias of the complainant against Representative Wilson, it is not surprising that the complaint attempts to convert the routine into something sinister. The complaint claims there was an illegal corporate in-kind to the campaign. In support, it cites an attachment to an email announcing a political event, claiming that the campaign failed to pay CSI Aviation Services for use of the software used to somehow generate the attachment.

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Contrary to the complaint, however, the campaign has in fact paid that company, and that has already been reported to the Commission. *See* Exhibit 1. Specifically, the allegation concerns a mere \$380, which has already been paid by Respondents.

In its haste to file the complaint in the closing days of the campaign, the Marijuana people ignored the legality of the transaction at issue. Specifically, the campaign paid for the service consistent with that industry's ordinary course of business, and its prompt payment has already been reported to the Commission. Such conduct is explicitly sanctioned by the Commission's own regulations. Section 116.1(e)(1) defines "extension of credit" to mean "[a]ny agreement between the creditor and political committee that full payment is not due until after the creditor provides goods or services to the political committee." Such an extension of credit is permissible, pursuant to section 116.3, which states in pertinent part:

A corporation in its capacity as a commercial vendor may extend credit to a candidate, a political committee or another person on behalf of a candidate or political committee provided that the credit is extended in the ordinary course of the corporation's business and the terms are substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation.


In accordance with the Commission's regulations, the campaign paid in full after the service was rendered. Such payment was prompt, as evidenced by the fact that such payment has already been reported to the Commission. *See* Exhibit 1.

### **III. CONCLUSION**

For the foregoing reasons, Respondents respectfully request that the complaint be dismissed, and that the Commission take no further action in this matter.

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Respectfully submitted,



Donald F. McGahn II  
Counsel for Heather Wilson for Congress  
and David A. Archuleta, treasurer  
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DC Bar # 449987

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## EXHIBIT 1

**SCHEDULE B (FEC Form 3 )  
ITEMIZED DISBURSEMENTS**

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FOR LINE NUMBER  
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PAGE 314 / 340

☒ 17 ☐ 18 ☐ 19a ☐ 19b  
20a 20b 20c 21

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NAME OF COMMITTEE (In Full)  
HEATHER WILSON FOR CONGRESS

<p>Full Name (Last First, Middle Initial) <b>A. Tastebuds</b></p> <p>Mailing Address 20 First Plaza NE</p> <p>City Albuquerque State NM Zip Code 87102-</p> <p>Purpose of Disbursement VOLUNTEER EXPENSE</p> <p>Candidate Name</p> <p>Office Sought House Senate Disbursement For Primary General President Other (specify) ▼</p> <p>State District</p>			<p>Transaction ID: 41129 E5446 Date of Disbursement 10 " 25 " 2004</p> <p>Amount of Each Disbursement this Period 384.48</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>VOLUNTEER EXPENSE</b></p>	
<p>Full Name (Last First, Middle Initial) <b>B. GSI Aviation Services</b></p> <p>Mailing Address 3700 Rio Grande NW</p> <p>City Albuquerque State NM Zip Code 87107-</p> <p>Purpose of Disbursement COMPUTER COSTS</p> <p>Candidate Name</p> <p>Office Sought House Senate Disbursement For Primary General President Other (specify) ▼</p> <p>State District</p>			<p>Transaction ID: 41129 E5425 Date of Disbursement 11 " 22 " 2004</p> <p>Amount of Each Disbursement this Period 360.00</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>COMPUTER COSTS</b></p>	
<p>Full Name (Last First, Middle Initial) <b>C. Paige McKenzie</b></p> <p>Mailing Address 1321B Executive Ridge N.E</p> <p>City Albuquerque State NM Zip Code 87112-</p> <p>Purpose of Disbursement CONTRACT SERVICES</p> <p>Candidate Name</p> <p>Office Sought House Senate Disbursement For Primary General President Other (specify) ▼</p> <p>State District</p>			<p>Transaction ID: 41129 E5285 Date of Disbursement 10 " 20 " 2004</p> <p>Amount of Each Disbursement this Period 1000.00</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>CONTRACT SERVICES</b></p>	
<p><b>SUBTOTAL</b> of Disbursements This Page (optional)</p>			<p><b>1764.48</b></p>	
<p><b>TOTAL</b> This Period (last page this line number only)</p>			<p></p>	

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PAGE 314 / 340

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NAME OF COMMITTEE (In Full)  
HEATHER WILSON FOR CONGRESS

<p><b>A</b> Full Name (Last, First, Middle Initial) Tastebuds</p> <p>Mailing Address 20 First Plaza NE</p> <p>City Albuquerque State NM Zip Code 87102-</p> <p>Purpose of Disbursement VOLUNTEER EXPENSE</p> <p>Candidate Name</p> <p>Office Sought: House Senate President</p> <p>Disbursement For: Primary General Other (specify) ▼</p> <p>State: District</p>			<p>Transaction ID: 41129.E5448 Date of Disbursement 10 " 25 " 2004</p> <p>Amount of Each Disbursement this Period 384.48</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>VOLUNTEER EXPENSE</b></p>
<p><b>B</b> Full Name (Last, First, Middle Initial) GSI Aviation Services</p> <p>Mailing Address 3700 Rio Grande NW</p> <p>City Albuquerque State NM Zip Code 87107-</p> <p>Purpose of Disbursement COMPUTER COSTS</p> <p>Candidate Name</p> <p>Office Sought: House Senate President</p> <p>Disbursement For: Primary General Other (specify) ▼</p> <p>State: District</p>			<p>Transaction ID: 41129.E5425 Date of Disbursement 11 " 22 " 2004</p> <p>Amount of Each Disbursement this Period 380.00</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>COMPUTER COSTS</b></p>
<p><b>C</b> Full Name (Last, First, Middle Initial) Paige McKenzie</p> <p>Mailing Address 13216 Executive Ridge N E</p> <p>City Albuquerque State NM Zip Code 87112-</p> <p>Purpose of Disbursement CONTRACT SERVICES</p> <p>Candidate Name</p> <p>Office Sought: House Senate President</p> <p>Disbursement For: Primary General Other (specify) ▼</p> <p>State: District</p>			<p>Transaction ID: 41129.E5285 Date of Disbursement 10 " 20 " 2004</p> <p>Amount of Each Disbursement this Period 1000.00</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>CONTRACT SERVICES</b></p>
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NAME OF COMMITTEE (In Full)  
HEATHER WILSON FOR CONGRESS

<p><b>A. Tastebuds</b></p> <p>Full Name (Last, First, Middle Initial) Mailing Address 20 First Plaza NE</p> <p>City Albuquerque State NM Zip Code 87102</p> <p>Purpose of Disbursement VOLUNTEER EXPENSE</p> <p>Candidate Name</p> <p>Office Sought: House Senate President State: District</p> <p>Disbursement For: Primary General Other (specify) ▼</p>		<p>Transaction ID: 41129 E5448 Date of Disbursement 10 " 25 " 2004</p> <p>Amount of Each Disbursement this Period 384.48</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>VOLUNTEER EXPENSE</b></p>
<p><b>B. GSI Aviation Services</b></p> <p>Full Name (Last, First, Middle Initial) Mailing Address 3700 Rio Grande NW</p> <p>City Albuquerque State NM Zip Code 87107</p> <p>Purpose of Disbursement COMPUTER COSTS</p> <p>Candidate Name</p> <p>Office Sought: House Senate President State: District</p> <p>Disbursement For: Primary General Other (specify) ▼</p>		<p>Transaction ID: 41129 E5425 Date of Disbursement 11 " 22 " 2004</p> <p>Amount of Each Disbursement this Period 380.00</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>COMPUTER COSTS</b></p>
<p><b>C. Paige McKenzie</b></p> <p>Full Name (Last, First, Middle Initial) Mailing Address 13216 Executive Ridge N.E</p> <p>City Albuquerque State NM Zip Code 87112</p> <p>Purpose of Disbursement CONTRACT SERVICES</p> <p>Candidate Name</p> <p>Office Sought: House Senate President State: District</p> <p>Disbursement For: Primary General Other (specify) ▼</p>		<p>Transaction ID: 41129 E5285 Date of Disbursement 10 " 20 " 2004</p> <p>Amount of Each Disbursement this Period 1000.00</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53</p> <p><b>CONTRACT SERVICES</b></p>
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EXHIBIT 2



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### Who we are

Americans for Medical Marijuana (AMM) is a grassroots coalition of patients, caregivers, and activists dedicated to educating Americans about their U.S. representatives' positions on medical marijuana for the sick and dying.

The 2004 election season was an opportune time to educate citizens about how their U.S. representatives had voted on medical marijuana. AMM took advantage of this opportunity. Please visit AMM's [Actions page](#) to find out where we focused our efforts.

To see an example of the materials AMM distributed in our targeted districts, you can [download a sample tabloid](#).

### U.S. Rep. Heather Wilson survives onslaught from AMM



AMM's largest action this fall focused on New Mexico's 1st congressional district -- represented by U.S. Rep. Heather Wilson (R-NM). AMM supporters distributed tens of thousands of pieces of literature critical of Wilson, placed anti-Wilson signs throughout the district, and made thousands of calls to registered voters. Unfortunately, it was not quite enough to ensure her defeat.

AMM hopes that Rep. Wilson -- as well as all other members of Congress -- will now think twice before opposing medical marijuana in the future. (See the [Actions page](#) for a description of Wilson's past voting record in opposition to medical marijuana.)

### November 2 results

Please visit our [Actions page](#) for election results from our target districts.

### Americans Support Compassion

According to a *Time/CNN* poll conducted in October 2002, 80 percent of Americans "think adult should be able to use marijuana legally for medical purposes"

### States Protect Seriously Ill Patients

Nine states have passed laws permitting sick and dying patients use medical marijuana with a doctor's approval. But on July 7, 2004, the U.S. House of Representatives voted to defy the will of the voters in those nine states and to continue allowing federal agents to arrest seriously ill patients who are using medical marijuana with their doctors' approval and in compliance with their states' laws.

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A project of the Marijuana Policy Project :: [www.MarijuanaPolicy.org](http://www.MarijuanaPolicy.org)  
P.O. Box 77492 • Capitol Hill :: Washington, DC 20013



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### Our Actions

On July 7, 2004, the U.S. House of Representatives voted to send cancer, MS, and other seriously ill patients to federal prison, even though their doctors have recommended marijuana as an effective medicine. The Farr-Rohrabacher amendment would have prevented the U.S. Department of Justice, including the Drug Enforcement Administration, from spending any money on raiding and arresting seriously ill patients who use medical marijuana with their doctors' approval. ([View the full roll call vote.](#))

The U.S. representatives listed below are the primary targets of our educational campaigns this year. Each of these members of Congress voted to send cancer, AIDS, and multiple sclerosis patients to federal prison for the simple crime of taking their medicine.



**U.S. Rep. Rick Renzi (R-AZ)**

#### Election results (as of 12:30 a.m. on November 3):

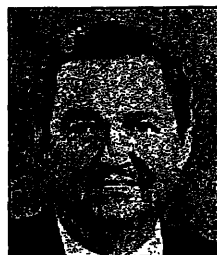
Incumbent Rick Renzi 59%;  
Challenger Paul Babbitt (D) 36%

Renzi retains seat



**U.S. Rep. Trent Franks (R-AZ)**

This action concluded on September 7, 2004, when Rep. Franks defeated his opponent in the Republican primary.



**U.S. Rep. Clay Shaw (R-FL)**

This action concluded on October 4, 2004, when it became clear that Rep. Shaw would not have a top-tier Democratic opponent in the general election.



**U.S. Rep. John Hostettler (R-IN)**

### Americans Support Compassion

According to a *Tir* poll conducted in 2002, 80 percent of Americans "think should be able to use marijuana legally for medical purposes."

### States Protect Seriously Ill Patients

Nine states have laws permitting seriously ill patients to use medical marijuana with their doctor's approval. On July 7, 2004, the U.S. House of Representatives defied the will of those nine states by continuing to allow agents to arrest seriously ill patients who are using medical marijuana with their doctors' approval, despite the fact that these states have laws in place to ensure compliance with the laws.

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**Election results (as of 12:30 a.m. on November 3):**

Incumbent John Hostettler 53%;  
Challenger Jon Jennings (D) 45%

Hostettler retains seat



**U.S. Rep. Heather Wilson (R-NM)**

**Election results (as of 12:30 a.m. on November 3):**

Incumbent Heather Wilson 55%;  
Challenger Richard Romero (D) 45%

Wilson retains seat



**U.S. Rep. David Wu (D-OR)**

**Election results (as of 12:30 a.m. on November 3):**

Incumbent David Wu 58%;  
Challenger Goli Ameri (R) 38%

Wu retains seat.

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